

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Thomas J. Tucker

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**CERTIFICATION OF NO RESPONSE OR OBJECTION REGARDING CITY OF  
DETROIT'S MOTION TO (A)(1) VOID THE CASE EVALUATION AWARD  
AND SCHEDULING ORDER OBTAINED BY PLAINTIFF CLARENCE HAYNES IN  
VIOLATION OF THE AUTOMATIC STAY; AND (2) REQUIRE ENTRY OF NEW  
SCHEDULING ORDER IN STATE COURT ACTION; OR, ALTERNATIVELY,  
(B) STAY STATE COURT ACTION PENDING RESOLUTION OF THIS MOTION IF  
THE COURT DETERMINES THAT FURTHER BRIEFING IS NECESSARY**

On July 20, 2015, the City Of Detroit ("City") filed its Motion to (A)(1) Void the Case Evaluation Award and Scheduling Order Obtained by Plaintiff Clarence Haynes in Violation of the Automatic Stay; and (2) Require Entry of New Scheduling Order in State Court Action; or, Alternatively, (B) Stay State Court Action Pending Resolution of this Motion if the Court Determines that Further Briefing is Necessary ("Motion"). [Doc. No. 10073]. The Motion was served via first class mail and electronic mail upon counsel for Clarence Haynes on the same date. *See Certificate of Service* Exhibit A.

No response or objection to the Motion was filed with the Court and the time to do so has passed. The City respectfully requests that the Court enter an order in substantially the same form as the one which was attached to the Motion. *See Proposed Order* Exhibit B.

Respectfully submitted,

By: /s/ Marc N. Swanson

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ATTORNEYS FOR THE CITY OF DETROIT

DATED: August 10, 2015

## **Exhibit A**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,  
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 20, 2015, the foregoing Motion to (A)(1) Void the Case Evaluation Award and Scheduling Order Obtained by Plaintiff Clarence Haynes in Violation of the Automatic Stay; and (2) Require Entry of New Scheduling Order in State Court Action; or, Alternatively, (B) Stay State Court Action Pending Resolution of this Motion if the Court Determines that Further Briefing is Necessary was filed and served via the Court's electronic case filing and notice system and upon counsel as listed below, via first class mail and electronic mail:

Scott R. Reizen  
The Reizen Law Group  
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DATED: July 20, 2015

By: /s/ Marc N. Swanson

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## **Exhibit B**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,  
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**[PROPOSED] ORDER GRANTING CITY OF DETROIT’S MOTION TO (A)(1) VOID  
THE CASE EVALUATION AWARD AND SCHEDULING ORDER OBTAINED BY  
PLAINTIFF CLARENCE HAYNES IN VIOLATION OF THE AUTOMATIC STAY;  
AND (2) REQUIRE ENTRY OF NEW SCHEDULING ORDER IN STATE COURT  
ACTION; OR, ALTERNATIVELY, (B) STAY STATE COURT ACTION PENDING  
RESOLUTION OF THIS MOTION IF THE COURT DETERMINES THAT FURTHER  
BRIEFING IS NECESSARY**

This matter, having come before the court on the City of Detroit’s Motion to (A)(1) Void the Case Evaluation Award and Scheduling Order Obtained by Plaintiff Clarence Haynes in Violation of the Automatic Stay; and (2) Require Entry of New Scheduling Order in State Court Action; or, Alternatively, (B) Stay State Court Action Pending Resolution of this Motion if the Court Determines that Further Briefing is Necessary (“Motion”), upon proper notice and a hearing, the Court being fully advised in the premises, and there being good cause to grant the relief requested,

**IT IS HEREBY FOUND AND CONCLUDED THAT:**

A. Clarence Haynes violated the automatic stay by filing a complaint and commencing case number 14-009320, in Wayne County Circuit Court, Michigan (“State Court Action”).

B. Clarence Haynes violated the automatic stay by obtaining a scheduling order in the State Court Action.

C. Clarence Haynes violated the injunction set forth in the City of Detroit's Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014) by pursuing and obtaining a case evaluation award against the City in the State Court Action.

**ACCORDINGLY, THE COURT ORDERS THAT:**

1. The Motion is granted.
2. The case evaluation award obtained by Clarence Haynes in the State Court Action is void.
3. The scheduling order entered in the State Court Action is void.
4. Within five days of the entry of this Order, Clarence Haynes shall set aside, or cause to be set aside, the case evaluation award in the State Court Action.
5. Within five days of the entry of this Order, Clarence Hayes shall stipulate to the entry of a new scheduling order in the State Court Action, which allows the City a reasonable amount of time to conduct discovery.
6. The Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.